

WELLS  
FARGO

The Next Stage®



In 1852 we arrived in Utah. Evidently we've arrived again.



...an asks the court for protective order against ...nd, which a judge ...s in August.

**September 1996** — ...ner woman files for a ...rate protective order, ...n a judge also signs in ...ber.

**November 1996** — ...nd is charged with joy- ...g with the intent to ...orally deprive an ...er of his vehicle. He ...s guilty and is sen- ...ed to zero-to-five years ... , and once again a ... lessens the sen- ...e to six months in jail ...robation. As part of ...ation, Ireland agrees ...veral conditions, ...ding one that he will ...in in his mother's ...e during probation. ...olates probation and ...dered to complete the ...al zero-to-five-year ...nce.

**January 1997** — Ire- ...s charged with ...pting to receive or ...fer a stolen vehicle. ...eads guilty and 3rd ...ct Judge Robert ...r suspends a zero-to- ...ear prison sentence ...u of three years' pro- ...n.

...part of his probation ...ement, Ireland agrees ...nsume no alcohol, to ...lete counseling and ...associate with any- ...who uses or distrib- ...illegal drugs. He vio- ...probation a few ...hs later, and the prior ...o-five-year sentence ...stated.

...son officials say Ire- ...s in and out of prison ...ese charges up until ...mber 2000.

**July 23, 1999** —

...an rap sheet a mile long and methamphetamine and mari- juana in his system.

But the gray area that holds the details of the investigation has raised concerns from Garcia's family, community leaders and lawmakers.

"It is still so devastating," Lujan said recently from her Magna home. "Even at this point, it has more to do with the attorneys, the D.A.'s office, the Board of Pardons. My big thing is that no one can give me a straight answer, and no one has ever taken any responsibility for this."

And so the questions live on: Why didn't the Salt Lake County District Attorney's Office file automobile homicide charges against Ireland?

Why did prosecutors — in one of the family's most painful moments of the two years — take the word of an eyewitness stoned on marijuana himself to imply Garcia might have caused her own death?

Why did the man who admitted being "an instrument" of the girl's death spend only one year and eight months in prison when a judge demanded a zero-to-five year sentence on the drug charge for which the man was convicted?

Why, in this case, were there so many missteps in the justice system?

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*"This case is one of the reasons I thought there needed to be a change in the district attorney's office."*

— Lohra Miller, a Taylorsville prosecutor who ran against Salt Lake County District Attorney David Yocom in 2002.

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Yocom almost lost the last election to a virtually unknown prosecutor with little experience in felony criminal cases. Lohra Miller earned 48 percent of the county vote compared to Yocom's 52 percent.

drug possession and driving with a measurable amount of controlled substance in connection with his involvement in the crash. His mother, Sherry Tucker, has supported her son throughout. Ireland lives with her now, and she didn't want him to talk to a reporter for this story.

She wants her family to be able to get on with life. She wants the publicity to go away.

"What I can tell you is, me and my son both, if there was anything in this world to make it better for Garcia's family, we would. The only thing he can do is totally change his life around and become a productive citizen. And the only way we can do that is to be given time," Tucker said.

But it is not so easy for Lujan, Garcia's mother, to get on with life.

During the past 26 months, the woman has immersed herself in Ireland's prosecution and the other criminal cases in which the man has been involved. She has missed only one court appearance of dozens in more than two years. In that case, she sent a lengthy letter, weighing in with concerns, to the judge.

She has butted heads with police investigators, prosecutors, prison officials. Her large extended family has demanded justice for Garcia all along the way only to be told by the system: "We've done our job. We can do nothing more."

But a close examination of court documents, police interviews, prison records and dozens of meetings with people close to the details puts flesh on the case. The investigation also demonstrates that while departments technically and legally may have done their

began chipping away at prosecution in the case, which was originally listed as an automobile homicide investigation.

After the crash, Ireland refused a blood test.

Although state law allows for an officer to demand a blood draw to determine impairment in the case of a fatal accident, that did not happen in this

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*If our prosecuting attorney would have worked as hard as the defense attorney worked, he would be in jail.*

Sheryl Lujan  
Angel Garcia's sister

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case.

Instead, deputy Scott Buchanan, a drug recognition expert from West Valley City, was called in to investigate. Ireland refused to talk to Buchanan and covered his eyes, concealing them, when another officer asked to measure his pupil size. Still, testimony from several officers was enough for Taylorsville Justice Court Judge Michael Kwan to order a search warrant for a blood draw to be taken in the middle of the night.

"I noticed that when he spoke, he was very hard to understand. He spoke in a slurred manner, and his speech was slow," deputy Jason Mudrock wrote.

"When Mr. Ireland spoke to me, his speech was slow and raspy. Both speech impediments significantly im-

appear to be impaired."

More than five hours later, officials finally were able to take a blood test from Ireland.

And this is where Lujan's waiting game begins.

Three months after the crash, when a reporter inquired about the status of the case, the Utah Health Department, the Salt Lake County Department's Office and Sheriff's Department officials all had conflicting comments about the status of evidence in the case — all relating to toxicology reports that would determine Ireland's impairment.

When the report finally made its way back to prosecutors, they determined Ireland couldn't be charged with auto homicide.

While Ireland clearly had meth and marijuana "metabolites" in his system, a report issued by prosecutors justifying their inability to file automobile homicide charges said the amount was little more than a "therapeutic" level of meth.

In fact, as Kent Morgan, spokesman for the Salt Lake County District Attorney's Office, said in a KSL-TV interview at the time, "The amount of methamphetamine that was in this gentleman's system would make him sharper."

"We can't ethically file a case where the evidence isn't there," Morgan continued.

But that reasoning was a problem for some prosecutors and lawmakers, who last year changed the law because of the Ireland case.

And because the issue has seemingly been resolved, Salt Lake County District Attorney Yocom is furious with recent coverage of the Ireland case.

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...amphetamine "level." prosecutor's report said: 'therapeutic' level for would be 0.02 to 0.09; how the 0.1 level is not per se of impairment."

The signs officers observed might have been caused by old head injury, Murphy wrote, or could have been part of a physiological "slump" as meth wore off. "But this probability also is speculative and incomplete and contradictory observations," according to report.

Terry Lamoreaux of Utah State Toxicology Lab he was not familiar with "therapeutic" level of meth referenced by Murphy in report. "Meth doesn't have a lot of therapeutic uses," said. He did agree it was difficult to determine the level at the time of the crash.

But the Legislature addressed this problem by determining impairment year. A statute was passed after Angel's death — making it a felony to drive an automobile with any amount of illegal substance in one's system causing the death of another.

"The law was changed specifically because of the Ireland case," said Paul Boyden, head of the statewide prosecutors' association.

Had this case happened today, prosecutors would have an easier time charging him.

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*"The important thing here is that there is no way we could have charged this man, and we have several reasons for it. Primarily, that we couldn't prove he was impaired. Negligence is another issue that could be debated, but we came up with a draw on that as far as the evidence is concerned."*

— Salt Lake County District Attorney David Yocom in an interview May 2002